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HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Ligi to Engrossed House Bill No. 78 by Representative Ligi

1 AMENDMENT NO. 1

2 On page 1, line 8, after "status;" insert "to provide for adjudications of hearings arising under
3 certain federal programs;"

4 AMENDMENT NO. 2

5 On page 1, at the beginning of line 18, delete "(D)(2)(b)(iii) and (vi)" and insert "Items
6 (D)(2)(b)(iii), (vi), and (vii)"

7 AMENDMENT NO. 3

8 On page 3, line 5, after "(iii)" insert "(aa)"

9 AMENDMENT NO. 4

10 On page 3, line 8, after "issue" change "an initial" to "a recommended"

11 AMENDMENT NO. 5

12 On page 3, line 8, between "The" and "decision" change "initial" to "recommended"

13 AMENDMENT NO. 6

14 On page 3, at the end of line 9, change "initial" to "recommended"

15 AMENDMENT NO. 7

16 On page 3, line 11, change "initial" to "recommended"

17 AMENDMENT NO. 8

18 On page 3, line 13, after "proceeding." delete the remainder of the line and insert the
19 following:

20   "A copy of the department or agency's rejected or modified decision shall be
21   forwarded to the division on the day it is issued. If the agency head does not reject"

22 AMENDMENT NO. 9

23 On page 3, line 14, between "the" and "decision" change "initial" to "recommended"

24 AMENDMENT NO. 10

25 On page 3, at the end of line 14, change "initial" to "recommended"

1   AMENDMENT NO. 11

2   On page 3, line 15, change "initial" to "recommended"

3   AMENDMENT NO. 12

4   On page 3, between lines 16 and 17, insert the following:

5   "(bb) In Temporary Assistance for Needy Families (TANF) cases, if the
6   secretary of the Department of Social Services approves, rejects, or modifies the
7   recommended decision of the division, that approved, rejected, or modified decision shall
8   be issued by the division as the final decision of the Department of Social Services."

9   AMENDMENT NO. 13

10   On page 3, delete line 22 in its entirety and insert the following in lieu thereof:

11   "stay requests related to involuntary discharges from nursing homes. The division
12   shall adjudicate all appeals related to involuntary discharges from nursing homes
13   within thirty days of receipt."

14   AMENDMENT NO. 14

15   On page 4, between lines 2 and 3, insert the following:

16   "(vii) The provisions of this Subparagraph shall apply to hearings involving
17   the Department of Education required under the Individuals with Disabilities
18   Education Act, and the provisions of the Administrative Procedure Act shall not
19   apply to these hearings. Hearings involving the Individuals with Disabilities Act
20   shall proceed in accordance with regulations promulgated by the Board of
21   Elementary and Secondary Education. Only an administrative law judge who has
22   received training on the federal and state statutes and regulations with respect to
23   children with disabilities and on educational placements in Louisiana's school
24   systems shall conduct hearings pursuant to this Item. Any party aggrieved by the
25   findings and decisions of the administrative law judge in hearings conducted
26   pursuant to the Individuals with Disabilities Education Act, including local
27   educational authorities, shall have a right to bring a civil action in state or federal
28   court pursuant to federal law or regulation."

29   AMENDMENT NO. 15

30   On page 4, between lines 9 and 10, insert the following:

31   "Section 2. The Department of Health and Hospitals and the Department of
32   Education shall each enter into a memorandum of understanding with the division
33   of administrative law regarding procedures for docketing of appeals and issuing
34   decisions to be executed prior to October 1, 2010. If either memorandum of
35   understanding has not been fully executed by October 1, 2010, the affected
36   department and the division of administrative law shall appear before the Committee
37   on House and Governmental Affairs Committee to provide an explanation as to their
38   failure to comply with this Section."

39   AMENDMENT NO. 16

40   On page 4, line 10, change "Section 2." to "Section 3."